

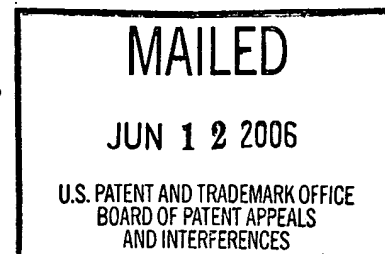
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAJEEV GROVER,
DOUGLAS W. ARENS and KEVEN PAUL MORLANG

Application No. 09/966,620

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on June 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On January 24, 2006, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Evidence Relied Upon" (section 8), the Examiner states: "That no evidence is

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relied upon by the examiner in the rejection of the claims on appeal.” However, the MPEP §1207.02 states that the “Evidence Relied Upon” section must include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

REPLY BRIEF

A Reply Brief in response to the Examiner’s Answer dated January 24, 2006, was filed on March 2, 2006. However, a review of the Image File Wrapper (IFW) reveals that the Reply Brief has not been considered or acknowledged by the examiner. A written communication notifying appellant of receipt and consideration of the Reply Brief is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) vacate the Examiner’s Answer mailed January 24, 2006;
- 2) issue a revised Examiner’s Answer to include all required headings as set forth under 37 CFR § 41.37,

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- 3) acknowledge the Reply Brief that may be filed in response to the Examiner's Answer; and
- 4) for such further action as may be appropriate.

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A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

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DMS/dpv

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